REMARKS

Claims 1-19 are pending in the application. With this amendment, claims 12, 18 and 19 have been amended in order to further define the invention. No new matter has been added. Specifically, antecedent basis has been provided in dependent claim 12.

Regarding claim 18, the same is an apparatus claim. The function of the control system that regulates the mechanical drive is defined. The control system functions include steps a), b) and c) and further describes the control system. As defined in Section 2173.05(g) of the MPEP, a functional limitation defines something by what it does, rather than by what it is, and there is nothing inherently wrong with defining some part of the invention in functional terms. A functional limitation must be evaluated and considered, just like any other limitation of claim, for what it fairly conveys to a person of ordinary skill in the art in the context in which it is used. A functional limitation is often used in association with an element, ingredient, or step of a process to define a particular capability or purpose that is served by the recited element, ingredient or step, see *Innova/Pure Water Inc. v. Safari Water Filtration Sys. Inc.,* 381 F.3d 1111, 1117-20, 72 USPQ 2d 1001, 1006-08 (Fed. Cir. 2004).

Accordingly, consideration of Applicants' claim 18 is earnestly solicited.

Claim 19 has been made dependent on claim 18 as it refers to the device.

Claims 1, 5, 14-16 and 18 have been rejected under 35 U.S.C. § 102(b) as being anticipated by WO 02/37168 to Drain. Claim 6 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Drain as applied to claim 1, and further in view of U.S. Patent No. 5,903,474 to Sadler et al.

In the Response to Arguments section, the Examiner states that features upon which the Applicant relies, namely an individual control system differential value or an individual drive differential value is calculated for each value Zi to Zn, are not recited in the rejected claims.

As an explanation to the Examiner's response, it is respectfully submitted that Drain teaches to substract Z_{mean} from each Zi to Zn, see page 10, line 20. In regard to Zi to Zn, the value Z_{mean} is always the same and, therefore, invariable. The values Zi to Zn are <u>discrete</u> values, each of which is separated by an interval. The claimed

differential value Dz takes the nominal values Z_{bi} into consideration, which is a function F_{bi} of C and Z.
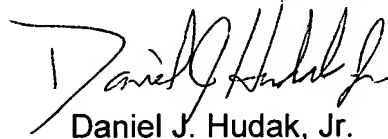
As opposed to the Drain discrete values Zi to Zn and their interval steps, the claimed function f_{bi} is <u>integral</u>, which means that the intervals are infinitely small. Therefore, Applicants' claimed control system/drive differential values are both (a) for <u>all</u> values (not only for Zi to Zn) and (b) individual.

Accordingly, the Drain reference cannot anticipate, nor render obvious the method set forth in independent claim 1, nor the device of claim 18 having the functionally defined control system.

Should the Examiner have any questions or concerns regarding this response, a telephone call to the undersigned is greatly is appreciated in order to expedite allowance of the application.

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Respectfully submitted,

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